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12 **UNITED STATES DISTRICT COURT**
13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
14

15 CHIPPENDALES USA, LLC,
16 Plaintiff,

17 v.

18 JESUS "JESSE" BANERJEE, DBA
19 EASBE ENTERPRISES INC.,
20 Defendant.

CASE NO. 2:23-cv-03672-PA-PD

**PLAINTIFF CHIPPENDALES
USA, LLC's NOTICE OF
RELATED CASE**

(CD CAL. L.R. 83-1.3.1)



Pursuant to Local Rule 83-1.3.1, plaintiff Chippendales USA, LLC (“Chippendales”) respectfully advises the Court that the instant action is related to another case filed in this District: *Jesse Banerjee v. Chippendales USA, LLC*, Case No. 2:23-cv-03676 (C.D. Cal. 2023) (the “Removal Case”). The Removal Case was originally filed by Mr. Banerjee against Chippendales in Los Angeles County Superior Court on April 3, 2023,¹ and Chippendales removed it to this Court on May 12, 2023. The Removal Case was assigned to the Honorable Percy Anderson on May 16, 2023.

These two cases arise from the same set of facts and call for a determination of the same or substantially related or similar questions of law and fact, and, therefore, would entail substantial duplication of labor if heard by different judges.

Specifically, Mr. Banerjee alleged in the Removal Case that the “CHIPPENDALES trademark”² was an asset of decedent Somen Banerjee that, in 1994, was “fraudulently sold” by Irene Banerjee to CLP Tours Ltd. (“CLP”). Mr.

¹ On April 3, 2023, Mr. Banerjee filed a petition against Chippendales under Sections 850 and 859 of the California Probate Code in a proceeding before Los Angeles Superior Court, *In re: Banerjee, Somen* (Case No. 17STPB02593), which qualifies as a “civil action” properly removable within the meaning of 28 U.S.C. § 1441(b).

² Plaintiff’s Section 850 Petition, which has been removed to this Court and now constitutes the Removal Case, refers to the November 1994 sale of a singular “Chippendales trademark,” but at that time the CHIPPENDALES business used and owned common law rights in the word mark CHIPPENDALES, as well as a stylized CHIPPENDALES logo with design, for a variety of goods and services, and owned four U.S. trademark registrations, U.S. Reg. Nos. 1197438, 1211893, 1330855, and 1504520.



1 Banerjee also alleges that because the 1994 sale of the CHIPPENDALES business
2 and “trademark” was fraudulent, therefore the subsequent sale of the business and
3 “trademark” from CLP to Chippendales in 2000 was also fraudulent, and thus
4 Chippendales is not the legitimate owner of the mark. Mr. Banerjee seeks an order
5 finding that the CHIPPENDALES “trademark” owned by Chippendales is part of
6 Mr. Somen Banerjee’s estate, an order transferring the “trademark” to Mr. Somen
7 Banerjee’s estate, as administered by Mr. Banerjee, and an order restraining
8 Chippendales from using the CHIPPENDALES “trademark.”

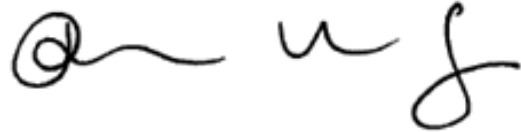
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10 Chippendales contends that is the sole, rightful owner of the
11
12 CHIPPENDALES business and trademarks, and, therefore, on May 12, 2023, it filed
13 the instant action seeking a declaratory judgment as to Chippendales’ ownership
14 rights in the CHIPPENDALES trademarks, as well as seeking injunctive relief and
15 damages for Mr. Banerjee’s unauthorized use of the CHIPPENDALES trademarks.
16
17 Later that same day, Chippendales removed to this Court the independent civil
18 action Mr. Banerjee filed against Chippendales in Los Angeles Superior Court on
19 the grounds of diversity of citizenship, initiating the Removal Case.

20
21 Both cases involve identical parties and call for a determination of the
22 ownership rights in, and authorization to use, the CHIPPENDALES trademarks, and
23 therefore the cases are related within the definition of Local Rule 83-1.3.1.
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1 May 16, 2023

KILPATRICK TOWNSEND & STOCKTON LLP

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4 By: _____

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8 *Chippendales USA, LLC*
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